



Testimony
Elizabeth Gara, Executive Director
Connecticut Water Works Association
Before the
Energy & Technology Committee
February 26, 2019

The Connecticut Water Works Association (CWWA) **requests revisions** to **HB-7155 – AN ACT CONCERNING CONSUMER PROTECTIONS FOR CUSTOMERS OF ELECTRIC SUPPLIERS**, which includes provisions authorizing the Public Utilities Regulatory Authority (PURA) to award restitution.

As drafted, HB-7155 gives PURA broad latitude to provide restitution to utility customers to cover financial losses that customers have suffered due to violations of the Call Before You Dig (CBYD) requirements. Restitution may be in addition to civil penalties currently authorized under 16-41 of the general statutes and be capped at the same level.

We believe the bill should be revised by adding language amending Section 16-41(c) to ensure that parties ordered to make restitution pursuant to Section 16-41(a) are provided with notice, an opportunity for hearing, and a right of appeal, consistent with existing provisions governing civil penalties.

Suggested revisions to Section 16-41(c) are attached for your consideration.

Thank you for the opportunity to comment on this bill.



Sec. 16-41. Imposition of civil penalties by authority.

(c) If the authority has reason to believe that a violation has occurred for which a civil penalty or restitution is authorized by subsection (a) or (b) of this section, it shall notify the alleged violator by certified mail, return receipt requested, or by personal service. The notice shall include:

- (1) A reference to the sections of the title, regulation or order involved;
- (2) A short and plain statement of the matter asserted or charged;
- (3) A statement of the prescribed civil penalty or restitution for the violation; and
- (4) A statement of the person's right to a hearing.

(d) The person to whom the notice is addressed shall have twenty days from the date of receipt of the notice in which to deliver to the authority a written application for a hearing. If a hearing is requested, then, after a hearing and upon a finding that a violation has occurred or restitution is warranted, the authority may issue a final order assessing a civil penalty or authorizing restitution under this section which shall not be greater than the penalty stated in the notice. If a hearing is not requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of the twenty-day period or on the first day after the withdrawal of the request for hearing, whichever is later, become a final order of the authority and the matters asserted or charged in the notice shall be deemed admitted, unless the notice is modified by a consent order before it becomes a final order. A consent order shall be deemed a final order.

(e) All hearings under this section shall be conducted under sections 4-176e to 4-184, inclusive. The final order of the authority assessing a civil penalty or restitution shall be subject to appeal under section 4-183. No challenge to any final order of the authority assessing a civil penalty or restitution shall be allowed as to any issue which could have been raised by an appeal of an earlier order of the authority. Any civil penalty or restitution authorized by this section shall become due and payable (1) at the time of receipt of a final order in the case of a civil penalty assessed in such order after a hearing, (2) on the first day after the expiration of the period in which a hearing may be requested if no hearing is requested, or (3) on the first day after the withdrawal of a request for hearing.

(f) A civil penalty or restitution assessed in a final order of the authority under this section may be enforced in the same manner as a judgment of the Superior Court. The final order shall be delivered to the respondent by personal service or by certified mail, return receipt requested. After entry of such final order, the authority may file a transcript without the payment of costs, in the office of the clerk of the superior court in the judicial district in which the respondent resides, has a place of business, owns real property, or in which any real property which is the subject of the proceedings is located or, if the respondent is not a resident of the state of Connecticut, in the judicial district of Hartford. Upon the filing, the clerk shall docket the order in the same manner and with the same effect as a judgment entered in the superior court within the judicial district. Upon the docketing, the order may be enforced as a judgment of the court.

